

D-3150

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Group Art Unit: Unknown
)
Champion, Mary J.) Examiner: Unknown
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Serial No. N/A)
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Filing Date: Herewith)
)
Based on PCT Application No.:)
PCT/US2005/012274)
)
International Filing Date:)
April 11, 2005)
)
For: SYSTEMS AND METHODS FOR)
TREATING HOT FLASHES ASSOCIATED)
WITH MENOPAUSE)

PETITION TO MAKE SPECIAL
UNDER 37 C.F.R. 1.102(d)

Applicant hereby petitions to make the above-referenced application special on the basis of actual infringement of the claims of the application.

The requisite fee of \$130.00 for filing this petition under 37 C.F.R. 1.17(h) is filed herewith.

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The undersigned attorney for the applicant hereby states:

(A) that there is an infringing method actually in use on the market;

(B) that a rigid comparison of the alleged infringing method in use with the claims of the application has been made, and, in the undersigned attorney's opinion, some of the claims are unquestionably infringed; and

(C) that the undersigned has caused to be made a careful and thorough pre-examination search of the prior art and has a good knowledge of the pertinent prior art. Further, a search has been made by the International Search Authority, identifying U.S. Class 424/448 as having been searched, against the claims in the corresponding PCT application which are the same or similar in scope to the claims in the present application for which special status is hereby requested.

This petition is based on a good faith belief that the invention in fact qualifies for special status.

A copy of each of the references deemed most closely related to the subject matter encompassed by the claims is filed herewith. These references are those identified by the above-noted pre-examination search as well as those references cited by the International Search Authority.

In addition, a detailed discussion of each of these references and a discussion of how the claimed subject matter is patentable over each of these references is provided in the Preliminary Amendment filed herewith.

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Applicant asks that this petition be granted for the reasons set forth above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank G. Uxa", written in a cursive style.

Frank G. Uxa

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